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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE HONORABLE BOARD OF PATENT APPEALS

In re the application of:)	
)	Group Art Unit: 3623
Ben Baldwin et al.)	
)	Examiner: ROMAIN JEANTY
Application No: 09/386,641)	
)	Attorney Docket: SAB-017
Filed: August 31, 1999)	
)	
For: JOB MATCHING)	
SYSTEM AND METHOD)	

APPELLANT'S BRIEF UNDER 37 C.F.R. 1.192

The Assistant Commissioner of Patents
Washington, D.C. 20231
U.S.A.

Dear Sir or Madam:

The following is the Appellant's Brief, submitted in triplicate and under the provisions of 37 C.F.R. 1.192. The fee of \$160 required by 37 C.F.R. 1.17(c) is enclosed.

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Real Party in Interest

The real party in interest is the assignee of record, i.e. CAREERXACT INC., 20 Eglinton Avenue East, Suite 401, Toronto, Ontario, M4P 1A9, CANADA.

Related Appeals and Interferences

There are no related appeals or interferences that will directly affect, be directly affected by or have a bearing on the present appeal.

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Status of Claims

The present appeal is directed to claims 1-27, all of the pending claims in this application. All rejected.

Status of Amendments

Claims 7, 8, 17 and 20 are being amended concurrently herewith. No other amendments have been filed after a final rejection.

Summary of the Invention

The invention relates to a job matching system and method that compares a candidate's personality profile to employment position data provided by potential employers to determine a list of available employment positions that is disclosed to the candidate. By identifying to the individual candidate only those employment positions for which the personality profile for suitable candidates matches the individual candidate's personality profile, this job matching system quickly identifies suitable employment positions and provides an increased likelihood that matched job candidates are suitable for a particular job.

Advantageously, then, candidates may chose from among job positions for which their personality profile is suited and they may communicate their suitability to actual potential employers at an early state of the application process. In turn, employers may save time and expense in the hiring process by only assessing potential candidates with suitable personality profiles. Employers may also take comfort that a matched candidate has a personality profile suitable for a specific employment position.

The invention is particularly well-suited for implementation in a computer-networked environment, such as the internet. When fully automated, the speed and convenience of the present method is further enhanced.

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Exemplary of the present invention, measures of personality traits (36; page 8, lines 9 to 12) are used to match candidates to employment positions (page 5 line 31 to page 6, line 1). Candidates' traits may be assessed by administering a questionnaire (page 13, lines 20 to 24). A similar questionnaire may be provided to suitable employees who are already filling, or have previously filled, available employment positions, in order to assess personality traits of suitable employees for each position (page 8, lines 28 to 34). Results are preferably received and compared (page 14, lines 29 to 32). A list of suitable jobs with different employers may then be provided to the candidate (page 16, lines 20 to 24).

In accordance with one aspect of the invention, a method of matching an employment candidate to specific employment positions from multiple employers. Employment position data (30) measuring a plurality of defined personality traits (30a-30m) for suitable candidates for each employment position is received from the employers (S402; page 8, lines 17 to 21). The received employment position data (30) is stored (S404; page 12, lines 6 to 11). Individual candidate data, representative of personality traits for an individual candidate (36) is received (S602; page 14, lines 21 to 27). The individual candidate data (36) is compared (S606-S612; page 14, lines 29 to 32) with the employment position data (30) to produce a list of potential employment positions for the candidate from the employment positions. The list is provided to the candidate (S614; page 16, lines 20 to 24).

Issues

The issues at appeal are whether the Examiner erred in:

- A. rejecting independent claims 1, 18, 19, 22, 25 and 26 under 35 U.S.C. 103(a) in view of US Patent No. 6,289,340 to Puram et al. (hereinafter "Puram") and US Patent No. 6,272,467 to Durand et al. (hereinafter "Durand");

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B. rejecting dependent claims 2-17, 20, 21, 23, 24 and 27 under 35 U.S.C. 103(a) in view of Puram and Durand.

Grouping of claims

1. Each of independent method claims 1, 22, 25 and 26, and independent software claim 18, and independent device claim 19 is independently and separately patentable.

2. Each of dependent method claims 2-17, 21, 23 and 24, and dependant device claim 20, and dependent software claim 27 is separately and individually patentable.

Argument

A. Rejection of claims 1, 18, 19, 22, 25 and 26 under 35 U.S.C. 103(a) in view of Puram and Durand

I. Independent Method Claim 1

In order to reject a claim under 35 U.S.C. 103, the Examiner must establish a) that all claim limitations are found in the references; and b) a suggestion or motivation in the references or in the art to modify the references or to combine the references to arrive at the claimed invention. As well, there must be a reasonable expectation of success in modifying or combining the references.

On page 3 of the Office Action mailed October 8, 2002 (hereinafter "Final Office Action"), the Examiner asserts that Puram discloses a

"computer having a processor and a memory for communicating (see figure 1).

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receiving employment position data measuring a plurality of defined personality traits for suitable candidates for each employment position from said employer (i.e. table 186 for receiving information)(col. 5, lines 62 through col. 6, line 15); and

storing said received employment position data for an employer with the skills required for a candidate (col. 2, lines 44-50);

receiving and storing the individual candidates data (col. 3, line 62 through col. 4, line 65).

Comparing (matching) the candidate information with employment position information (See figure 1c, element 69 and col. 7, lines 48-51) and providing a list of job positions to the candidate (See figure 6 and col. 9, lines 39-53)."

The Applicant believes that the next sentence in paragraph 5 contains an error and that the Examiner intended to admit that Puram does **not** explicitly disclose receiving personality traits of the candidate. The Examiner further asserts that "Durand on the other hand, disclosed a data collection system that matches job hunters with employers using personality traits (see abstract and col. 8, line 66 through col. 9, line 20)."

Close review of Durand, however, reveals that it does not disclose a data collection system that matches job hunters with employers using personality traits. Durand discloses an automated matching system and method that can be used to find compatible matches between a set of predetermined traits and a set of preferences. In the embodiment of the method described in the patent disclosure, the method is used to select potential dating partners based on personal traits and compatibility criteria (see summary of invention at column 2, line 56 to column 5, line 32 and discussion of personality traits at column 8, line 66 to column 9, line 20).

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While the abstract and field of the invention of Durand do disclose using the method to match job hunters with employment opportunities, a closer read of Durand as a whole reveals that Durand does not contemplate doing so based on personality traits. Job matching is specifically discussed in Durand at column 20, lines 12 to 19:

"As already noted, the principles outlined in regard to the embodiment of the invention described in the text above can be applied to different sets of demographic/psychographic data to match potential employees with jobs (relying upon user and employer preference criteria such as work experience, skills, education, geographic preferences, company size, career track, etc.), candidates with residency positions, tenants with apartments, buyers with homes, and the like." [emphasis added]

Job matching is also mentioned earlier at column 12 lines 7 to 12:

"Thus, for example, in matching potential employees with job opportunities, one constraint criteria would include whether the education level in the potential employee's trait profile 17 meets the "minimum_education_level" preference in the job's preference profile 18." [emphasis added]

So while Durand discloses using a job matching system based on traditional job search criteria such as work experience, education, and skills, it does not disclose doing job matching based on personality traits as claimed in claim 1 of the present application.

Furthermore, neither Durand nor Puram discloses comparing the personality traits of an individual candidate to defined personality traits for available employment positions and, as a consequence of this comparing, providing the candidate with a list of available positions. This limitation of claim 1 is simply not present in the references cited by the Examiner. In the present invention, personality profiling is not merely one of several criteria used to assess a potential candidate's suitability for an employment position. If the

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candidate's personality does not match the desired personality profile for the employment position, the employment position may not even be disclosed to the candidate. Simply stated, if the candidate's personality does not match, then the candidate will either be prevented or dissuaded from applying.

With respect to the motivation to modify the cited references, the Examiner asserts on page 3 of the Final Office Action that it would have been "obvious to a person of ordinary skill in the art at the time of the invention was made to have modified the disclosure of Puram by including the personality traits as evidence by Durand. The motivation being for assessing a candidate's suitability and competency for a job position."

The Applicant disagrees. Not only does Durand not disclose using personality traits for job matching, the references do not provide a motivation to modify them to arrive at the present invention. On the contrary, Durand teaches away from using personality traits as a criteria for job matching because in the *list of possible criteria to use for this purpose* discussed in column 12 of Durand and quoted above, no personality traits are mentioned.

Furthermore, even if the Examiner's motivation for combining the applied references is accepted, the Applicant strongly disagrees that such motivation would lead to the invention as claimed in claim 1. Skills and experience assessment, and not personality profiling, is typically used to match job candidates to prospective jobs (as exemplified by Durand and Puram). Employers rely primarily on resumes to screen applicants. Formalized personality assessment, if used at all, is done after the candidate's education and work experience has been scrutinized. Thus, the use of personality profiling to filter the available employment positions presented to a job candidate, is a radical departure from known practice in the field of job matching and recruiting.

Therefore, it is submitted, that a person skilled in the art motivated to use personality traits with the job matching system disclosed by Puram in order

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to assess "a candidate's suitability and competency for a job position", would not be lead to the present invention. That is, he or she would not be lead to filter available job positions based on the candidate's personality traits such that as a consequence of this filtering, a list is presented to the candidate that either prevents or dissuades the candidate from applying to job positions for which his or her personality does not match. The Examiner has not properly identified any motivation that would lead a person skilled in the art to perform job matching based on personality profiling. Instead, the Examiner has simply identified art that discloses job matching based on traditional criteria such as technical skills, industry skills and communication skills.

As such, the Examiner has failed to establish that each and every element of independent claim 1 is disclosed in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 1. As such, the Examiner has failed to establish a *prima facie* case of obviousness for claim 1. Reversal of the Examiner's rejection of claim 1 under 35 U.S.C. 103 is therefore requested.

2. Independent Computer Readable Medium Claim 18

The Examiner has rejected claim 18 for the same reason as claim 1. For the reasons noted in relation to the rejection of claim 1, the Examiner has failed to establish that each and every element of independent claim 18 is disclosed in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the invention of claim 18. Reversal of the Examiner's rejection of claim 18 under 35 U.S.C. 103 is therefore requested.

3. Independent Device Claim 19

The Examiner has rejected claim 19 for the same reason as claim 1. For the reasons noted in relation to the rejection of claim 1, the Examiner has failed

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to establish that each and every element of independent claim 19 is disclosed in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the invention of claim 19. Reversal of the Examiner's rejection of claim 19 under 35 U.S.C. 103 is therefore requested.

4. Independent Method Claim-22

On page 5 of the Final Office Action, the Examiner asserts that Puram discloses:

"storing personality profile information (col.1, lines 8-13);

storing employment positions data and skills required for the positions (col. 2, lines 44-53);

administer a questionnaire to an employment seeker (i.e. a candidate entering his or her skills information)(col. 3, lines 50-58), storing the candidate's skills information (col. 5, lines 30-35). It is noted that since the candidates' skills information is stored, it implies that skill information has been received.

assessing the skills of the candidate (col. 4, lines 13-18);

Comparing (matching) the candidate information with employment position information (See figure 1c, element 69 and col. 7, lines 48-51) and identifying the qualified candidates for a position (col. 3, lines 42-47)."

The Applicant believes that the next sentence on page 6 contains an error and that the Examiner intended to admit that Puram does not explicitly disclose receiving personality traits of the candidate. The Examiner further asserts that "Durand on the other hand, discloses a data collection system that matches job hunters with employers using personality traits (see abstract and col. 8, line 66 through col. 9, line 20)."

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As already discussed in relation to claim 1, close review of Durand reveals that it does not disclose a data collection system that matches job hunters with employers using personality traits. Rather, Durand discloses using a job matching system based on traditional job search criteria such as work experience, education and skills.

Furthermore, neither Durand nor Puram discloses comparing the personality profile of an employment seeker to stored aggregate personality profiles and as a consequence of this comparing, identifying to the employment seeker employment openings suiting his or her personality profile. This limitation of claim 22 is not found in the references cited by the Examiner. As claimed, if the employment seeker's personality does not match the desired personality profile for a given employment opening, then the employment seeker will either be prevented or dissuaded from applying.

With respect to the motivation to modify the cited references, the Examiner asserts that it would have been "obvious to a person of ordinary skill in the art at the time of the invention was made to have modified the disclosure of Puram by including the personality traits as evidence by Durand, The motivation being for assessing a candidate's suitability and competency for a job position."

Again, the Applicant disagrees. Puram and Durand do not provide a motivation to modify them to arrive at the present invention. On the contrary, Durand teaches away from using personality traits as a criteria for job matching because in the list of possible criteria to use for this purpose, discussed in column 12 of Durand and quoted above, no personality traits are mentioned.

Furthermore, and again as already discussed, even if the Examiner's motivation for combining the applied references is accepted, the Applicant strongly disagrees that such motivation would lead to the invention as claimed in claim 1. Specifically, and as exemplified by Durand and Puram, skills and experience assessment is typically used to match job candidates to jobs. The

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Examiner has not properly identified any motivation that would lead a person skilled in the art to perform job matching based on personality profiling. Instead, the Examiner has simply identified art that discloses job matching based on traditional criteria such as technical skills, industry skills and communication skills. It is therefore submitted that any conclusion that a person skilled in the art would make such a radical departure from known practice in the field of job matching and recruiting motivated simply to assess "a candidate's suitability and competency for a job position" is made with impermissible hindsight.

The Examiner has thus failed to establish that each and every element of independent claim 22 is disclosed in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 22. As such, the Examiner has failed to establish a *prima facie* case of obviousness of claim 22. Reversal of the Examiner's rejection of claim 22 under 35 U.S.C. 103 is therefore requested.

5. Independent Method Claim 25

The Examiner has rejected claim 25 for the same reason as claim 22. For the reasons noted in relation to the rejection of claim 22, the Examiner has failed to establish that each and every element of independent claim 25 is disclosed in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the invention claimed in claim 25. Reversal of the Examiner's rejection of claim 25 under 35 U.S.C. 103 is therefore requested.

6. Independent Method Claim 26

The Examiner has rejected claim 26 for the same reason as claim 22. For the reasons noted in relation to the rejection of claim 22, the Examiner has

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failed to establish that each and every element of independent claim 26 is disclosed in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 26. Reversal of the Examiner's rejection of claim 26 under 35 U.S.C. 103 is therefore requested.

**B. Rejection of dependent claims 2-17, 20, 21, 23, 24 and 27 under
35 U.S.C. 103(a) in view of Puram and Durand**

7. Dependent Method Claim 2

Claim 2 depends from independent claim 1 and defines the additional claim limitation that method steps a-d of claim 1 are performed using a computing device. That the method steps of claim 1 can be done in an automated manner, highlights the distinction between known methods of job matching and the present invention. As claimed, a prospective employer may never be aware of a candidate who has a personality profile that does not match the defined personality traits for suitable candidates for an available employment position, even if that candidate has an ideal education level and skill set for the job. This is even more likely to happen when the method is implemented in a computer-networked environment, such as the internet.

As such, and as discussed in relation to claim 1, the Examiner has failed to establish that each and every element of claims 1 and 2 is disclosed in the prior art. Furthermore, the art identified by the Examiner does not disclose nor suggest a proper motivation for modification to arrive at the combination of claims 1 and 2. On the contrary, the art teaches away from claims 1 and 2 of the present application. As such, reversal of the Examiner's rejection of claim 2 under 35 U.S.C. 103 is requested.

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8. Dependent Method Claim 3

Claim 3 depends from independent claim 1 and defines the additional claim step of providing the candidate with a candidate questionnaire in order to determine the individual candidate data and thereby assess the personality profile. Again, because the questionnaire is provided to the candidate in order to assess the candidate's personality profile, and that profile is compared with the employment position data to determine the list of potential employment positions to the candidate, claim 3 further highlights the distinction between known methods of job matching and the present invention. As claimed, a prospective employer may never be aware of a candidate who has a personality profile that does not match the defined personality traits for suitable candidates for an available employment position, even if that candidate has an ideal education level and skill set for the job.

As such, and as discussed in relation to claim 1, the Examiner has failed to establish that each and every element of claims 1 and 3 is disclosed in the prior art. Furthermore, the art identified by the Examiner does not disclose nor suggest a proper motivation for modification to arrive at the combination of claims 1 and 3. On the contrary, the art teaches away from claims 1 and 3 of the present application. As such, reversal of the Examiner's rejection of claim 3 under 35 U.S.C. 103 is requested.

9. Dependent Method Claim 4

Claim 4 depends from dependent claim 3 and defines the additional claim step of providing an employee questionnaire to successful employees filling each of the specific employment positions to determine the employment position data thereby assessing the plurality of defined personality traits for each of the specific employment positions.

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On page 4 of the Final Office Action, the Examiner asserts that Puram "discloses providing an employee questionnaire to successful employee, filling each specific employment positions to determine said employment position data (i.e. an employee filling out information) (see figure 2 and column 6, lines 16-27)."

However, a close review of this reference reveals that Puram does not disclose determining employment position data, i.e. the personality traits that an employer is seeking in a candidate for a specific employment position, by providing a questionnaire to successful employees currently filling the specific position. In column 6, lines 16-27 and elsewhere in the disclosure, Puram contemplates the employer filling out a questionnaire about the employer's needs for a position.

Therefore, the Examiner has failed to establish that each and every element of claim 4 is disclosed in the prior art. Furthermore, as already noted in relation to claims 1 and 3, the Examiner has failed to show that the identified art suggests a proper motivation for modification to arrive at the combination of claims 3 and 4. As such, reversal of the Examiner's rejection of claim 4 under 35 U.S.C. 103 is requested.

10. Dependent Method Claim 5

Claim 5 depends from dependent claim 4 and defines the additional claim limitation that the candidate questionnaire and the employee questionnaire are identical. As already discussed in relation to claim 4, contrary to the Examiner's assertions, Puram does not disclose providing a questionnaire to successful employees currently filling the specific position. Therefore, Puram cannot disclose an employee questionnaire that is identical to a candidate questionnaire. Therefore, the Examiner has failed to establish that each and every element of claim 5 is disclosed in the prior art. Furthermore, as already noted in relation to claims 1 and 4, the Examiner has

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failed to show that the identified art suggests a proper motivation for modification to arrive at the combination of claims 1, 4 and 5. As such, reversal of the Examiner's rejection of claim 5 under 35 U.S.C. 103 is requested.

11. Dependent Method Claim 6

Claim 6 depends from independent claim 1 and defines the additional claim limitation that the received employment position data comprises a plurality of numerical ranges, each range indicative of a range of values of a single personality trait of a suitable candidate for one of the employment positions.

On page 4 of the Final Office Action, the Examiner states that Puram discloses receiving employment position and numerical values but does not explicitly disclose data indicative of a range of values of single personality traits of a suitable candidate for one of the employment positions. The Examiner further states that Durand discloses "data having calculating a score of personality traits (col. 4, lines 34-65)." The Examiner asserts that it would have been obvious to a person of ordinary skill in the art, motivated by "assessing a candidate's suitability and competency for a job position", to modify the disclosure of Puram by including data indicative of values of single traits as evidenced by Durand.

The Applicant disagrees. As already discussed, Durand does not disclose using personality traits for job matching. Furthermore, the references do not provide a motivation to modify them to arrive at the present invention. On the contrary, and as already discussed, Durand teaches away from using personality traits as a criteria for job matching. The Examiner has not identified any proper motivation that would lead a person skilled in the art to perform job matching based on personality profiling. Instead, the Examiner has simply identified art that discloses job matching based on traditional criteria such as technical skills, industry skills and communication skills.

The Examiner has failed to establish each and every element of claim 6 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 6. The Examiner has thus failed to establish a *prima facie* case of obviousness of claim 6. Reversal of the Examiner's rejection of claim 6 under 35 U.S.C. 103 is therefore requested.

12. Dependent Method Claim 7

Claim 7 depends from dependent claim 6 and defines the additional claim limitation that the received candidate data comprises a plurality of numerical values, each numerical value indicative of a single personality trait for the candidate. The Examiner rejected claim 7 for the same reason as claims 1 and 6. As already discussed in relation to claim 6, the Examiner has failed to establish each and every element of claim 7 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 7. Therefore, reversal of the Examiner's rejection of claim 7 under 35 U.S.C. 103 is requested.

13. Dependent Method Claim 8

Claim 8 depends from dependent claim 7 and defines the additional claim limitation that the plurality of ranges for each employment position, corresponds to one of the plurality of numerical values for the candidate. As already discussed in relation to claims 1, 6 and 7, the Examiner has failed to establish each and every element of claim 8 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 8. Therefore, reversal of the Examiner's rejection of claim 8 under 35 U.S.C. 103 is requested.

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14. Dependent Method Claim 9

Claim 9 depends from dependent claim 8 and defines the additional claim limitation that the comparing comprises determining which of the numerical values for the candidate falls within a corresponding range for each employment position. As already discussed in relation to claims 1, 6 and 8, the Examiner has failed to establish each and every element of claim 9 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 9. Therefore, reversal of the Examiner's rejection of claim 9 under 35 U.S.C. 103 is requested.

15. Dependent Method Claim 10

Claim 10 depends from dependent claim 9 and defines the additional claim limitation that the comparing includes calculating a metric comparing each trait of the candidate with a corresponding trait for each of the employment positions. As already discussed in relation to claims 1, 6 and 9, the Examiner has failed to establish each and every element of claim 10 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 10. Therefore, reversal of the Examiner's rejection of claim 10 under 35 U.S.C. 103 is requested.

16. Dependent Method Claim 11

Claim 11 depends from dependent claim 10 and defines the additional claim limitation that each metric is calculated by calculating a difference between a value for the trait of the candidate, and an average of a

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corresponding range for an employment position. On page 4 of the Final Office Action the Examiner suggests that Puram discloses the limitation to claim 11. Closer review of Puram, however, reveals that this is not the case. Puram compares a job candidate's score for each skill with the maximum score needed by the employer (see column 7, lines 51 to 56), not an average of a corresponding range of a values for an employment position, as claimed in claim 11.

As such, the Examiner has failed to establish each and every element of claim 11 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 11. Therefore, reversal of the Examiner's rejection of claim 11 under 35 U.S.C. 103 is requested.

17. Dependent Method Claim 12

Claim 12 depends from dependent claim 11 and defines the additional claim limitation that the comparing further comprises summing all of the metrics to arrive a score indicative of the candidate's suitability for an employment position. As already discussed in relation to claims 1, 6 and 11, the Examiner has failed to establish each and every element of claim 12 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 12. Therefore, reversal of the Examiner's rejection of claim 12 under 35 U.S.C. 103 is requested.

18. Dependent Method Claim 13

Claim 13 depends from independent claim 1 and defines the additional claim step that each candidate is provided with an authenticator, authenticating that the candidate has obtained the list. In rejecting this claim, the Examiner

noted that neither Puram or Durand explicitly discloses user authentication, but took Official Notice that user authentication using a password is old and well known in the encryption art. However, as already discussed in relation to claim 1, the Examiner has failed to establish each and every element of claim 13 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram, Durand and well known authentication techniques to arrive at the claimed invention in claim 13. Therefore, reversal of the Examiner's rejection of claim 13 under 35 U.S.C. 103 is requested.

19. Dependent Method Claim 14

Claim 14 depends from dependent claim 13 and defines the additional claim limitation that the authenticator includes a document. As already discussed in relation to claims 1 and 13, the Examiner has failed to establish each and every element of claim 14 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram, Durand and well known authentication techniques to arrive at the claimed invention in claim 14. Therefore, reversal of the Examiner's rejection of claim 14 under 35 U.S.C. 103 is requested.

20. Dependent Method Claim 15

Claim 15 depends from dependent claim 13 and defines the additional claim limitation that the list includes employer identifiers. As already discussed in relation to claims 1 and 13, the Examiner has failed to establish each and every element of claim 15 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram, Durand and well known authentication techniques to arrive at the

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claimed invention in claim 15. Therefore, reversal of the Examiner's rejection of claim 15 under 35 U.S.C. 103 is requested.

21. Dependent Method Claim 16

Claim 16 depends from independent claim 1 and defines the additional claim steps of: receiving employment interest data measuring a plurality of defined interests for suitable candidates for each employment position from the employers; storing the received employment interest data; and receiving individual candidate interest data, representative of interests for an individual candidate. Claim 16 also defines the additional claim limitation that step d. of claim 1 further comprises comparing the individual interest data with the employment interest data to produce the list.

The Examiner rejected claim 16 for the same reason as claim 1. For the reasons noted in relation to the rejection of claim 1, the Examiner has failed to establish each and every element of claim 16 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 16. Reversal of the Examiner's rejection of claim 16 under 35 U.S.C. 103 is therefore requested.

22. Dependent Method Claim 17

Claim 17 depends from independent claim 1 and defines the additional claim limitation that at least one of the defined plurality attributes are chosen from the list of independence; competitiveness; assertiveness; conscientiousness; convention; organization; extroversion; group orientation; outgoing; stability; poise; relaxation; and social desirability. In rejecting this claim, the Examiner asserts that Puram "discloses an attribute from the list

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comprising the skill level of the candidate (i.e. industry/organization skill level)(Col. 4, lines 30-39)."

Closer review of Puram, however, reveals that this is not case. The attributes listed in claim 17 of the present invention are all personality traits. As disclosed in the present application, personality traits of a candidate are not dependant on the specific role the candidate played when previously working within a given industry. The candidate skills discussed in Puram are not personality traits but rather industry or business skills that the candidate has gained through past work experience and the like (see Puram column 4, lines 30 to 53, and Figure 6).

Furthermore, for the reasons noted in relation to the rejection of claim 1, the Examiner has failed to establish each and every element of claim 17 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 17. Reversal of the Examiner's rejection of claim 17 under 35 U.S.C. 103 is therefore requested.

23. Dependent Device Claim 20

Claim 20 depends from independent claim 19 and defines the additional component of a network interface, in communication with the processor and for interconnection with a computer network to receive the employment position data and the individual candidate data. As already discussed in relation to claim 19, the Examiner has failed to establish each and every element of claim 20 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 20. Reversal of the Examiner's rejection of claim 20 under 35 U.S.C. 103 is therefore requested.

24. Dependent Method Claim 21

Claim 21 depends from dependent claim 3 and defines the additional limitation that the questionnaire comprises a psychometric test to assess the personality profile. In the third paragraph on page 6 of the Final Office Action, the Applicant believes that the Examiner intended to address claims 21, 23 and 24. The Examiner notes that Puram and Durand disclose presenting questionnaires to the candidate but fail to explicitly disclose a psychometric test to assess a personality profile. The Examiner asserts that it would have been obvious to a person of ordinary skill in the art to incorporate a psychometric test in the disclosures of Puram and Durand in order to provide "employees with information of their particular strengths and also on areas where they may need to develop".

The Applicant disagrees. As already discussed in relation to claim 1, neither Puram nor Durand disclose a data collection system that matches job hunters with employers using personality traits. Puram does not disclose using personality traits of the candidate. Durand discloses matching job hunters with employment opportunities based on criteria such as work experience, skills, and education. Furthermore, the motivation offered by the Examiner, "to provide employees with information of their particular strengths and also on areas where they may need to develop" would not lead a person of ordinary skill in the art to incorporate psychometric tests with the disclosures of Puram and Durand. The present invention relates to a job matching system. It uses psychometric tests to match candidates with employment positions and not to help candidates identify their character strengths and weaknesses. Because neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 21, reversal of the Examiner's rejection of claim 21 under 35 U.S.C. 103 is requested.

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25. Dependent Method Claim 23

Claim 23 depends from independent claim 22 and defines the additional claim limitation that the questionnaire comprises a psychometric test to assess the personality profile. The Applicant believes that the Examiner intended to address claim 23 in the third paragraph on page 6 of the Final Office Action and to reject claim 23 for the same reason as claim 21. As already discussed in relation to claims 1 and 21, the Examiner has failed to establish each and every element of claim 23 in the prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 23. As such, reversal of the Examiner's rejection of claim 23 under 35 U.S.C. 103 is requested.

26. Dependent Method Claim 24

Claim 24 depends from independent claim 22 and defines the additional claim limitation that the aggregate personality profiles for each of the employment openings is assessed using the questionnaire. The Examiner's reasons for rejection claim 24 are found in the third paragraph on page 6 of the Final Office Action. While the Applicant does not believe that this paragraph addresses the elements of claim 24, as already discussed in relation to claim 22, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 24. As such, reversal of the Examiner's rejection of claim 24 under 35 U.S.C. 103 is requested.

27. Dependent Software Claim 27

The Examiner has rejected claim 27 for the same reason as claim 22. For the reasons noted in relation to the rejection of claim 22, the Examiner has failed to establish that each and every element of claim 27 is disclosed in the

prior art. Furthermore, neither the Examiner nor the applied art has provided any proper motivation to combine or modify Puram and Durand to arrive at the claimed invention in claim 27. Reversal of the Examiner's rejection of claim 27 under 35 U.S.C. 103 is therefore requested.

Summary

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-27 is erroneous, and reversal of his rejections is respectfully requested.

Respectfully submitted,



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Appendix – Claims Currently on File

1. (Amended) A method of matching an employment candidate to specific employment positions from multiple employers, comprising:
 - a. for each of a plurality of available employment positions, receiving employment position data measuring a plurality of defined personality traits for suitable candidates for that employment position;
 - b. storing said received employment position data;
 - c. receiving individual candidate data, representative of a personality profile for said employment candidate;
 - d. comparing said individual candidate data with said employment position data to produce a list of potential employment positions for said candidate, from said employment positions, said list identifying those of said employment positions for which defined personality traits, as reflected by said employment position data, match said individual candidate data;
 - e. providing said list to said candidate.
2. The method of claim 1, wherein a-d are performed using a computing device.
3. (Amended) The method of claim 1 further comprising, providing said candidate with a candidate questionnaire in order to determine said individual candidate data and thereby assess said personality profile.
4. (Amended) The method of claim 3, further comprising providing an employee questionnaire to successful employees, filling each of said specific

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employment positions, to determine said employment position data thereby assessing said plurality of defined personality traits for said each of said plurality of employment positions.

5. The method of claim 4, wherein said candidate questionnaire and said employee questionnaire are identical.
6. The method of claim 1, wherein said received employment position data comprises a plurality of numerical ranges, each range indicative of a range of values of a single personality trait of a suitable candidate for one of said employment positions.
7. (Amended) The method of claim 6, wherein said received candidate data comprises a plurality of numerical values, each numerical value indicative of a single personality trait for said candidate.
8. (Amended) The method of claim 7, wherein each of said plurality of ranges for each employment position, corresponds to one of said plurality of numerical values for said candidate.
9. The method of claim 8, wherein said comparing comprises determining which of said numerical values for said candidate falls within a corresponding range for each employment position.
10. The method of claim 9, wherein said comparing includes calculating a metric comparing each trait of said candidate, with a corresponding trait for each of said employment positions.

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11. The method of claim 10, wherein each metric is calculated by calculating a difference between a value for said trait of said candidate, and an average of a corresponding range for an employment position.
12. The method of claim 11, wherein said comparing further comprising summing all of said metrics to arrive at a score indicative of said candidate's suitability for an employment position.
13. The method of claim 1, further comprising providing said candidate with an authenticator, authenticating that said candidate has obtained said list.
14. The method of claim 13, wherein said authenticator comprises a document.
15. The method of claim 13, wherein said list includes identifiers of each of said employers.
16. The method of claim 1, further comprising:
 - f. receiving employment interest data measuring a plurality of defined interests for suitable candidates for each employment position from said employers;
 - g. storing said received employment interest data;
 - h. receiving individual candidate interest data, representative of interests for an individual candidate;and wherein d. further comprises comparing said individual candidate interest data with said employment interest data to produce said list.

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17. (Amended) The method of claim 1, wherein at least one of said defined plurality of defined personality traits are chosen from the list of independence; competitiveness; assertiveness; conscientiousness; convention; organization; extroversion; group orientation; outgoing; stability; poise; relaxation; and social desirability.

18. (Amended) A computer readable medium, storing computer software that when loaded into a computing device, adapts said computing device to:

- i. for each of a plurality of available employment positions, receive employment position data measuring a plurality of defined personality traits for suitable candidates for each of a plurality of employment positions from a plurality of employers;
- ii. store said received employment position data at said computing device;
- iii. receive individual candidate data, representative of a personality profile for said candidate;
- iv. compare said individual candidate data with said employment position data to produce a list of potential employment positions for said individual candidate from said employment positions, said list identifying those of said employment positions for which defined personality traits, as reflected by said employment position data, match said individual candidate data;
- v. provide said list to said individual candidate.

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19. (Amended) A computing device, for interconnection with a computer network,
said computing device comprising:

- a. a processor;
- b. computer memory in communication with said processor;

said computer memory storing processor readable instructions adapting said
computing device to:

- i. for each of a plurality of available employment positions, receive
employment position data measuring a plurality of defined
personality traits for suitable candidates for each of a plurality of
employment positions from a plurality of employers;
- ii. store said received employment position data at said computing
device;
- iii. receive individual candidate data, representative of a personality
profile for said candidate;
- iv. compare said individual candidate data with said employment
position data to produce a list of potential employment positions for
said individual candidate from said employment positions, said list
identifying those of said employment positions for which defined
personality traits, as reflected by said employment position data,
match said individual candidate data;
- v. provide said list to said individual candidate.

20. (Amended) The computing device of claim 19, further comprising

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- c. a network interface, in communication with said processor and for interconnection with a computer network to receive said employment position data and said individual candidate data from said computer network

21. (New) The method of claim 3, wherein said questionnaire comprises a psychometric test to assess said personality profile.

22. (New) A method of matching employment seekers to available employment openings, comprising:

for each of said employment openings storing aggregate personality profiles, reflective of desired personality traits for that employment opening;

for each of said employment openings storing identifying information for that employment opening;

administering a questionnaire to an employment seeker;

assessing a personality profile of said employment seeker based on said questionnaire;

comparing said personality profile of said employment seeker to said stored aggregate personality profiles, to determine ones of said employment openings suiting said personality profile of said employment seeker;

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identifying to said employment seeker, said identifying information of said employment openings suiting said personality profile of said employment seeker based on said comparing.

23. (New) The method of claim 22, wherein said questionnaire comprises a psychometric test to assess said personality profile.
24. (New) The method of claim 22, wherein said aggregate personality profiles for each of said employment openings is assessed using said questionnaire.
25. (New) A method of filtering access to a database of available employment opportunities, accessible by way of a data network, said method comprising:
- for each employment opportunity, storing an aggregate personality profile, reflective of desired personality traits for that employment opportunity, and associated information about that employment opportunity;
- providing a questionnaire to an employment seeker;
- receiving responses to said questionnaire;
- assessing a personality profile of said employment seeker based on said responses;
- comparing said personality profile of said employment seeker to said stored aggregate personality profiles, to determine ones of said employment opportunities suiting said personality of said employment seeker;
- identifying to said employment seeker said employment opportunities suiting said personality profile of said employment seeker, and said associated

information of said employment opportunities suiting said personality profile of said employment seeker, based on said comparing.

26. (New) A method of operating an on-line database service matching employment opportunities of various employers to employment seekers, said method comprising:

for each employment opportunity, receiving from one of said various employers, an aggregate personality profile, reflective of desired personality traits for that employment opportunity, and associated information about that employment opportunity;

storing said aggregate personality profile;

providing a questionnaire to an employment seeker;

receiving responses to said questionnaire;

assessing a personality profile of said employment seeker based on said responses;

comparing said personality profile of said employment seeker to said stored aggregate personality profiles, to determine ones of said employment openings suiting said personality profile of said employment seeker:

identifying to said employment seeker, said employment opportunities suiting said personality profile of said employment seeker, and said associated information of said employment opportunities suiting said personality profile of said employment seeker, based on said comparing.

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27. (New) A computer readable medium, storing computer software that when loaded into a computing device, adapts said computing device to perform the method of claim 22.